

**Amendment**

Applicant: John A. Wozniak

Serial No.: 10/729,501

Filed: December 5, 2003

Docket No.: 200314345-1

Title: BATTERY PACK WITH PROTECTION CIRCUIT

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**REMARKS**

This Amendment is submitted in reply to the new ground of rejection entered by the Board in the Decision on Appeal dated May 14, 2009. Accordingly, Applicant requests that prosecution before the Examiner be reopened.

With this Amendment, claims 1, 4, 7, 8, and 10 have been amended to clarify Applicant's invention.

Claims 1-38 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Okutoh U.S. Patent No. 6,060,185.

The Examiner rejected claims 10, 11, 13, 14, 30, and 31 under 35 U.S.C. § 102(a) as being anticipated by Fujiwara U.S. Patent No. 6,501,248.

The Examiner rejected claim 15 under 35 U.S.C. § 102(b) as being anticipated by Shirakawa U.S. Patent No. 6,534,953.

The Examiner rejected claims 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Shirakawa.

The Board did NOT sustain and acknowledged ERROR in the Examiner's rejections of claims 1, 15, 19, and 20 under 35 U.S.C. § 102(b).

The Board, however, entered a new ground of rejection of claim 1 under 35 U.S.C. § 103(a), as outlined below under the "Claim Rejections under 35 U.S.C. § 103".

The Board did NOT sustain and acknowledged ERROR in the Examiner's rejection of claims 30 and 31 under 35 U.S.C. § 102(b).

As the Board did NOT sustain the Examiner's rejections of claims 15, 19, and 20 under 35 U.S.C. § 102(b), and did NOT sustain the Examiner's rejection of claims 30 and 31 under 35 U.S.C. § 102(b), Applicant respectfully requests that claims 15, 19, 20, 30, and 31 be allowed.

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The Board sustained the Examiner's rejection of claims 10, 11, 13, and 14 under 35 U.S.C. § 102(a).

With this Amendment, independent claim 10 has been amended to clarify that the battery pack includes **"means for separately identifying current consumption by the electronic components and detecting an excessive current consumption condition associated with the electronic components."**

With respect to the cited references, Applicant submits that these references, individually or in combination, do not disclose a battery pack as claimed in amended independent claim 10 including, amongst other things and in the combination recited, means for separately identifying current consumption by the electronic components and detecting an excessive current consumption condition associated with the electronic components.

In view of the above, Applicant submits that independent claim 10, and the dependent claims depending therefrom (claims 11-14), are each patentably distinct from the cited references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claim 10 under 35 U.S.C. § 102(a) be reconsidered and withdrawn, and that claims 10-14 be allowed.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 2, 4, 5, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Okutoh in view of Fujiwara.

The Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Okutoh in view of Shirakawa.

The Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Okutoh in view of Cheon U.S. Patent No. 5,963,019.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Okutoh in view of O'Connor U.S. Publication No. 2004/0062387.

The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Fujiwara in view of Shirakawa.

The Examiner rejected claims 16, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Shirakawa in view of Fujiwara.

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The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Shirakawa in view of Demuro U.S. Patent No. 6,046,575.

The Examiner rejected claims 22, 33, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Shirakawa in view of Fujiwara, and Huelss U.S. Patent Publication No. 2003/0080747.

The Examiner rejected claims 21, 23, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Shirakawa in view of Fujiwara, and Okada U.S. Publication No. 2003/0117143.

The Examiner rejected claims 26, 28, 29, 35, and 37 under 35 U.S.C. § 103(a) as being unpatentable over Shirakawa in view of Fujiwara, and Cheon.

The Examiner rejected claims 27 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Shirakawa in view of Fujiwara, and Sacki U.S. Patent No. 6,492,791.

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Fujiwara in view of Shirakawa.

The Board did NOT sustain and acknowledged ERROR in the Examiner's rejections of claims 32-38 under 35 U.S.C. § 103(a).

The Board did NOT sustain the Examiner's rejections of claims 3 and 6-8 under 35 U.S.C. § 103(a).

The Board did NOT sustain and acknowledged ERROR in the Examiner's rejection of claim 12 under 35 U.S.C. § 103(a).

The Board did NOT sustain the Examiner's rejections of claims 16-29 under 35 U.S.C. § 103(a).

As the Board did NOT sustain the Examiner's rejections of claims 32-38 under 35 U.S.C. § 103(a), did NOT sustain the Examiner's rejections of claims 3 and 6-8 under 35 U.S.C. § 103(a), did NOT sustain the Examiner's rejection of claim 12 under 35 U.S.C. § 103(a), and did NOT sustain the Examiner's rejections of claims 16-29 under 35 U.S.C. § 103(a), Applicant respectfully requests that claims 3, 6-8, 12, 16-29, and 32-38 be allowed.

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The Board sustained the Examiner's rejection of claims 2, 4, 5, and 9 under 35 U.S.C. § 103(a).

Although the Board did NOT sustain and acknowledged ERROR in the Examiner's rejection of claim 1 under 35 U.S.C. § 102(b), the Board did enter a new ground of rejection of claim 1 under 35 U.S.C. § 103(a). More specifically, the Board rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Okutoh in view of Fujiwara.

With this Amendment, independent claim 1 has been amended to clarify that the battery pack includes **"a protection circuit adapted to distinguish between current flow associated with a host device and current consumption associated with electronic components forming the battery pack and detect an excessive current consumption condition associated with the electronic components forming the battery pack."**

With respect to the cited references, Applicant submits that these references, individually or in combination, do not disclose a battery pack as claimed in amended independent claim 1 including, amongst other things and in the combination recited, a protection circuit adapted to distinguish between current flow associated with a host device and current consumption associated with electronic components forming the battery pack and detect an excessive current consumption condition associated with the electronic components forming the battery pack.

In view of the above, Applicant submits that independent claim 1, and the dependent claims depending therefrom (claims 2-9), are each patentably distinct from the cited references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be reconsidered and withdrawn, and that claims 1-9 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-38 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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